United Nations

Report of the Trusteeship Council to the Security Council on the Trust Territory of the Pacific Islands (19 January-1 November 1994)

Sixty-first Session: 24 May-1 November 1994

Security Council
Official Records • Forty-ninth Year
Special Supplement No.1 (S/1994/1400)

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CONTENTS

	Paragraphs	Page
SIXTY-FIRST SESSION OF THE TRUSTEESHIP COUNCIL, 24 MAY TO 1 NOVEMBER 1994		
PART I. ORGANIZATION AND ACTIVITIES OF THE TRUSTEESHIP COUNCIL	1 - 97	2
A. Introduction	1 - 7	2
B. Report of the Secretary-General on credentials	8 - 9	3
C. Examination of the annual report of the Administering Authority for the year ended 30 September 1993	10 - 72	3
D. Petitions	73 - 75	12
E. Offers by Member States of study and training facilities for inhabitants of Trust Territories	76 - 77	13
F. Dissemination of information on the United Nations and the International Trusteeship System in Trust Territories	78 - 82	13
G. Attainment of self-government or independence by the Trust Territories	83 - 88	14
H. Amendment of the rules of procedure of the Trusteeship Council	89 - 91	14
I. Report of the Drafting Committee	92 - 95	15
J. Adoption of the report of the Trusteeship Council to the Security Council	96 - 97	15
PART II. CONCLUSIONS AND RECOMMENDATIONS	98	16
Annexes		
I. A. Provisional agenda of the sixty-first session of the Trusteeship Council (T/1979)		19
B. Addendum to the provisional agenda of the sixty-first session of the Trusteeship Council (T/1979/Add.1)		19
II. Agenda of the sixty-first session, adopted by the Trusteeship Council at its 1704th meeting, on 24 May 1994 (T/1979/Rev.1)		20
III. Map of Palau, Trust Territory of the Pacific Islands		21

SIXTY-FIRST SESSION OF THE TRUSTEESHIP COUNCIL
24 MAY-1 NOVEMBER 1994

PART I. ORGANIZATION AND ACTIVITIES OF THE TRUSTEESHIP COUNCIL

A. Introduction

1. On behalf of the Security Council, the Trusteeship Council discharges those functions of the United Nations under the International Trusteeship System that relate to the political, economic, social and educational advancement of the inhabitants of the Trust Territory of the Pacific Islands. In accordance with Article 86 of the Charter of the United Nations, the composition of the Trusteeship Council in 1994, at its sixty-first session, was as follows:

United States of America (member administering a Trust Territory)

China

France

Russian Federation

United Kingdom of Great Britain and Northern Ireland

2. The Trusteeship Council held its sixty-first session from 24 May to 1 November 1994 (1704th-1706th meetings). At its opening meeting, on 24 May 1994, 1/ the Temporary President drew the attention of the Trusteeship Council to a note verbale dated 9 May 1994 from the Permanent Mission of France to the United Nations addressed to the Secretary-General, 2/ informing him that France wished to add to the provisional agenda of the sixty-first session 3/ an item entitled "Amendment of the rules of procedure of the Trusteeship Council". 4/ At the same meeting, the Council considered the provisional agenda contained in documents T.1979 and Add.1 (see annex I to the present report). The representative of the United States proposed oral amendments to the provisional agenda (T/1979), as follows:

(a) Items 8 and 9, which read:

"8. Cooperation with the Committee on the Elimination of Racial Discrimination (General Assembly resolutions 2106 B (XX) and 48/90)

"9. Third Decade to Combat Racism and Racial Discrimination (General Assembly resolutions 3057 (XXVIII) and 48/91)"

would be deleted;

(b) Item 10, which read:

"10. Attainment of self-government or independence by the Trust Territories (Trusteeship Council resolution 1369 (XVII) and General Assembly resolution 1413 (XIV)) and the situation in Trust Territories with regard to the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples (General Assembly resolutions 1514 (XV) and 48/52)"

would be revised to read:

"10. Attainment of self-government or independence by the Trust Territories (Trusteeship Council resolution 1369 (XVII) and General Assembly resolution 1413 (XIV))";

(c) Item 11, which read:

"11. Cooperation with the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples (General Assembly resolution 1654 (XVI))"

would be deleted.

3. At the same meeting, the Council adopted, without objection, its provisional agenda as orally amended (T/1979/Rev.1) (see annexes I and II).

4. At its opening meeting, the Trusteeship Council unanimously elected the following officers:

President: Mr. Hubert Legal (France);

Vice-President: Mr. Stephen Gomersall (United Kingdom).

5. During the session, the Trusteeship Council heard statements by representatives of the Administering Authority and its special representatives and advisers, as well as other members of the Council (see part I, sect. C, of the present report). It also heard statements by petitioners and considered written communications (see part I, sect. D).

6. At its 1705th meeting, on 25 May 1994, 5/ the Trusteeship Council adopted the report of its Drafting Committee on conditions in the Trust Territory of the Pacific Islands containing the Council's conclusions and recommendations (see part I, sect. 1, and part II). 6/

7. At its 1706th meeting, on 1 November 1994, 7/ the Trusteeship Council adopted the present report to the Security Council (see part I, sect. J).

B. Report of the Secretary-General on credentials

8. At its 1704th and 1706th meetings, on 24 May and 1 November 1994, 8/ the Trusteeship Council considered, under item 2 of its agenda, the report of the Secretary-General on credentials. 9/

Decision

9. At its 1706th meeting, on 1 November 1994, the Trusteeship Council decided, without objection, to take note of the report.

C. Examination of the annual report of the Administering Authority for the year ended 30 September 1993

10. At its 1704th and 1705th meetings, on 24 and 25 May 1994, the Trusteeship Council examined, under item 4 of its agenda, the annual report of the Administering Authority on the Trust Territory of the Pacific Islands for the period from 1 October 1992 to 30 September 1993. 10/

Opening statements by representatives of the Administering Authority 1/

11. The representative of the United States of America stated that since the Trusteeship Council last met, Palau had taken major steps towards implementing its Compact of Free Association with the United States. 11/ At the plebiscite held on 9 November 1993, 68 per cent of the voters had approved the Compact. His Government was grateful to the Council for sending a mission to observe the referendum and for its continuing close attention to Palau.

12. Following the successful plebiscite, President Nakamura and his Administration had actively prepared for Palau's transition to independence and had met formally with the United States on four separate occasions to discuss transition issues. The discussions had been productive. Under President Nakamura's leadership Palau would soon complete the final steps that must be taken before the Compact entered into force. The United States Government fully supported Palau's target date of 1 October 1994 for the implementation of the Compact provided all legal requirements had been met by that date.

13. Since the creation of the International Trusteeship System in 1947, the United States had worked to bring about the resolution of Palau's political status and it was extremely pleased that Palau had now come so close to that goal. His Government looked forward to maintaining, when the Compact entered into force, ties with Palau that would be marked by the same friendly and cooperative spirit that had characterized their relationship for so long.

14. His Government appreciated the support of the Council concerning Palau's passage to its new status. In this connection, his Government had requested the Council to adopt a resolution stating that it was appropriate for the Trusteeship Agreement 12/ to be terminated upon the entry into force of the Compact of Free Association.

15. Mr. Allen Stayman, Alternate Representative and Deputy Assistant Secretary for Territorial and International Affairs, United States Department of the Interior, stated that while the status of the Trust Territory of the Pacific Islands had not changed since the last meeting of the Council, much progress had been achieved in removing Palau from the list of Trust Territories. Together, the Administering Authority and the Government of Palau had worked to advance the implementation of the Compact of Free Association between the two nations.

16. Outlining the principal events marking that progress, he recalled that the voters of Palau had cast ballots on the implementation of the Compact in eight separate referendums and that, as a consequence of the Administering Authority's policy of neither confirming nor denying the use or presence of nuclear materials in Palau, the Palau Constitution of 1979 had mandated a 75 per cent approval of the Compact. Following six unsuccessful attempts to meet the three-quarters majority, a proposed constitutional amendment had been put to the voters in November 1992 in Palau's regular general elections and the amendment had been approved by more than the required simple majority of the votes, and by 14 out of Palau's 16 states. On 14 November 1992, the Palau Election Commission had certified those results. Although the amendment had gone into effect, the physical process of incorporating it into the Palau Constitution had not, as yet, been implemented.

17. Over the past year, two major lawsuits had challenged the Compact approval process. The first, filed with the Supreme Court of Palau by Mr. Yutaka Gibbons, the Ibedul of Koror, and others, had alleged that the

Palauan version of the November 1992 initiative had not been an accurate translation of the English text and had caused voter confusion.

18. On 2 July 1993, the Trial Division of the Supreme Court had ruled against the Ibedul in favour of those he had sued (the President of Palau, the Palau Election Commission and other defendants) and, accordingly, had upheld the results of the November 1992 initiative. The decision had come on the same day as the convening of a special session by the Palau National Congress to finalize the Compact Implementation Bill of 1993, enabling legislation to implement the Compact.

19. On 2 August 1993, the Ibedul and 51 other plaintiffs had appealed the decision of 2 July 1993 before the Appellate Division of the Palau Supreme Court.

20. On 29 October, the Appellate Division of the Palau Supreme Court had affirmed the 2 July 1993 decision of the Trial Division and had upheld the results of the November 1992 initiative amending the Palau Constitution.

21. On 24 September 1993, a second civil action, filed by Ms. Gabriela Ngirmang and nine other persons, could have derailed the efforts of the Government of Palau to hold the plebiscite of 9 November 1993. The plaintiffs had sought to invalidate the constitutional amendment referendum of November 1992 on the grounds that the referendum should have been held only after Palau had received a "favourable response" from the Administering Authority to changes in the Compact which the Government of Palau had requested. The suit had alleged that Palau had never received such a response prior to the referendum of November 1992.

22. On 27 October 1993, the Chief Justice of Palau had tried the above case. In this connection, on 2 November 1993, the Trial Division of the Palau Supreme Court had filed three documents which included a judgement ordering the dismissal of the plaintiffs' complaint and the denial of all requested relief.

23. On 9 November 1993, the eighth plebiscite on the Compact of Free Association had been held, the results of which had been certified by the Chairman of the Palau Election Commission in a letter dated 19 November 1993 addressed to the President of Palau. Of 11,562 registered voters, 7,624 had cast their votes as follows: 5,192, or 68.26 per cent, were in favour of the Compact; and 2,415, or 31.74 per cent, were against.

24. In December 1993, the President of Palau had submitted to the Palau National Congress the composition of the Compact transition team, which would identify the steps needed to implement the Compact.

25. In January 1994, two separate complaints had been filed in the Trial Division of the Supreme Court of Palau challenging the November 1993 ratification of the Compact of Free Association. The first lawsuit, filed against the President of Palau and the Palau Election Commission, had claimed that, since the Palau Constitution required a 75 per cent vote to approve the possibility of nuclear materials being present in Palau, any amendment to such a constitutional provision should also require approval by 75 per cent. The second lawsuit, filed against the Government of Palau and the Administering Authority, had challenged the ratification of the Compact on three grounds: that the Compact had not been approved by two thirds of the members of each House of the Palau National Congress; that the Compact's approval had been "procured by coercion"; and that the May 1993 letter of assurances from the

Administering Authority's Secretary of State had not been a favourable response to requested modifications as required by Palauan law and that the approval of the Compact was therefore fraudulent.

26. On 25 March 1994, the Trial Division had issued a decision and order dismissing the claims set forth in the complaints as originally filed in the January 1994 civil actions, granting the Administering Authority's motion to be dismissed from one of the civil actions, and deferring the Trial Division's pending decision on the plaintiffs' motion to amend their complaint in that civil action. The plaintiffs did not indicate whether they planned to appeal the Trial Division's decision.

27. On the issue of whether the letter of May 1993 from the Administering Authority's Secretary of State had constituted a "favourable response" within the meaning of Palau Public Law No. 3-76, the Trial Division had found that this was a political question which every Palauan voter could decide and act upon as he or she thought best. No Palauan entering the voting booth had been required to accept it; each could decide whether it was a favourable response and whether the Compact should be approved or voted down. Any claim that the letter had wrongfully induced Palau's entry into the Compact could only be asserted, if at all, by the Government of Palau itself, which had not done so.

28. The Alternate Representative informed the Council of a third lawsuit challenging the Compact implementation process. The civil action, which was in the courts of the Administering Authority (Honolulu) and not of Palau, had been filed on 18 February 1994 by two citizens of the Trust Territory of the Pacific Islands. The plaintiffs claimed that provisions of the Compact would violate the Administering Authority's environmental laws and that officials of the Administering Authority had neither complied with the National Environmental Policy Act nor prepared an environmental impact statement relating to the Compact.

29. Subsequently, the plaintiffs had also filed suit in the Palau Supreme Court, which had dismissed their initial claims but had allowed amended claims in which they alleged that citizens of the Trust Territory of the Pacific Islands who were living outside the Trust Territory were prohibited from voting in the November 1993 plebiscite.

30. The plaintiffs were scheduled to appear before the Trusteeship Council during its May session. Their attorney had said that they would oppose plans to implement the Compact and would ask the Council to support their campaign against the use of Palau for, according to their claim, the Administering Authority's military activities or for nuclear waste or toxic waste disposal.

31. The Alternate Representative assured the Council that Section 324 of the Compact bound the Administering Authority "not [to] use, test, store or dispose of nuclear, toxic chemical, gas or biological weapons intended for use in warfare".

32. Moreover, with respect to military activities, given changes in the geopolitical situation in the western Pacific, the Administering Authority currently had no plans to conduct military activities in Palau. Should such activities become necessary in the future, they would, of course, be governed by the terms of the Compact as approved by the people of Palau.

33. The road to free association had been long and controversial. The Administering Authority agreed with the Government of Palau that the time to implement the Compact had arrived.

34. The Honourable Mr. Kuniwo Nakamura, President of the Republic of Palau and Special Representative of the Administering Authority, said that the current session of the Trusteeship Council was a historic one for the United Nations, the United States and the Republic of Palau. It was his hope that it would be the last time for Palau to stand before the Council as a Trust Territory under a Trusteeship System. Next time Palau would stand before the United Nations as a sovereign and independent country and as a Member of the Organization. During the year under review, there had been considerable achievements in Palau and the people eagerly looked forward to becoming an independent and sovereign nation.

35. The Government of Palau was grateful to the Trusteeship Council for having sent a delegation to observe its November 1993 plebiscite, which had been conducted fairly and in keeping with Palau's democratic principles. While there had been legal challenges, the fair conduct of the plebiscite had been upheld by every court that had considered it. One case still remained in Palau and there was a case on environmental procedures in the courts of the United States.

36. The Government of Palau had filed a motion for summary judgement in the Palau case in mid-May; the motion was to be heard by early June 1994. Similar motions were expected to be filed by the United States and the Republic of Palau in the Honolulu case in June. Palau was confident that both cases would be decided in a timely and fair manner and that the overwhelming decision of the people of Palau to enter into a relationship of free association with the United States would be implemented.

37. The fact that there were legal challenges was a tribute to their democratic systems. Citizens must have access to their courts to assert their rights in a free society. He believed that the people of Palau had spoken decisively at the polls and that they must make every effort to implement their decision promptly.

38. The Special Representative was pleased that the United States and Palau had agreed on 1 October 1994 as the date on which the Compact of Free Association would come into force, assuming that legal requirements had been met by then. It was important for the people of Palau and for their internal process to have a definite and specific date for the implementation of the compact, and he urged the Council to support it.

39. Palau was ready to assume its rightful place as an independent and sovereign democratic nation among the nations of the world. All of Palau's leaders, including the Olbiil Era Kelulau (National Congress of Palau), traditional leaders and state Governments, had worked together to ensure that the latest referendum on the Compact was conducted harmoniously and in accordance with democratic principles.

40. The Special Representative stated that political independence must be accompanied by economic self-sufficiency. With the implementation of the Compact, Palau would be strong and financially ready for independence. Palau's national government budget had been balanced for the past few years. In fiscal year 1994, Palau had the largest budget ever for the Republic; Palauans were proud that a higher percentage had been allocated to education, health and public safety, and a lower overall percentage to the wages of government employees. Palau's economy, stronger than ever before, had contributed to the increase of the local revenue, which was now equal to, if not greater than, that

portion of their operating budget provided by the Administering Authority. Palau had reduced government as the employer of people and had simultaneously made it a more efficient deliverer of essential services.

41. With the assistance of the United States, Palau had a new hospital and was in the process of upgrading the health-care system throughout its states. the Territory had a national drug programme to help remove the scourge of drugs, particularly from its young people. Palau was also developing a new prison system and was making arrangements with the United States concerning the improvement of law enforcement. The offices of the Special Prosecutor and the Public Auditor had both been filled.

42. Much remained to be done to maintain and improve Palau's roads, sewers, power systems, airport and other capital assets. With Compact-related funding and continued cooperation from the United States, however, Palau would be able to meet its economic and infrastructure needs. It would also maintain its strong environmental protection policies.

43. The Special Representative stated that he had submitted to their national legislature a budget for fiscal year 1995. That budget, which assumes that the Compact of Free Association between Palau and the United States will begin with fiscal year 1995, was balanced and comprehensive. It did not create a large overall government structure but did increase spending for health and education, recognizing Palau's continuing commitment to provide its people with a high level of services in these critical areas.

44. In terms of international financial considerations, Palau had resolved its financial obligations in connection with the building of the power plant in the Territory. Palau would begin independence as a nation that was creditworthy before its lenders throughout the world.

45. Palau had also put in place mechanisms to ensure its wise and efficient utilization of the Compact funds and those generated by the Territory's economy. As a prerequisite to the implementation of the Compact, Palau had submitted to the United States a substantive Economic Development Plan covering the various aspects of Palau's economic and other sectors. Further, in accordance with an agreement between Palau and the United States, the Plan prioritized the use of approximately $52 million of Compact funding for capital infrastructure projects.

46. Palauans believed that the funds to be received under the Compact should be used to meet the Territory's long-term economic goals and not just its current political needs. Palauans were grateful to the United Nations and the United Nations Development Programme for their assistance in the preparation of a Master Plan that would set forth Palau's goals and objectives for economic, social and physical development through the year 2020. Recent discussions between Palau, the United Nations and the United States were expected to result in a modified Master Plan that would allow the needs of Palau to be fully met.

47. Through the life of the trusteeship, the United States had been responsible for the economic development and self-sufficiency of Palau. In recent years, Palau and the United States had worked together in harmony to resolve the political status of Palau. It was the responsiveness of the United States that had enabled the two nations to resolve their most significant differences and had paved the way for the approval of the Compact of Free Association.

48. Palau looked to the continued support of the States Members of the United Nations, particularly when it applied for membership in the Organization.

Statements by members

49. At the 1704th meeting, on 24 May 1994, statements in the general debate were made by the representatives of the United Kingdom, France, the Russian Federation and China. 1/

50. The representative of the United Kingdom stated that his Government had consistently supported the efforts of the Trust Territory of Palau to achieve whatever form of political status it sought. It was important that the Trusteeship Council give Palau its full support in this regard.

51. His Government welcomed the progress made in bringing to an end Palau's trusteeship status; it also welcomed the results of the plebiscite on the Compact of Free Association held in Palau in November 1993. He expressed the hope that the outstanding legal obstacles would soon be removed, clearing the way for Palau to adopt the Compact. His delegation welcomed the assurances made by the governments of the United States and Palau to implement the compact as soon as possible.

52. The United Kingdom was encouraged by reports of the Administering Authority and the President of Palau on the economic, social and educational development of Palau. It felt confident that the continuing close cooperation between the United States, the United Nations and the Government of Palau would further improve the situation of the Palauan people. His Government reiterated its commitment to assist them in achieving a political status of their choosing.

53. The representative of France stated that the Trusteeship System now applied only to Palau. Everyone was aware of the urgent need to end that situation, which was no longer justified by political and economic circumstances and which was not in conformity with the wishes of the Palauan people.

54. In 1992, a United Nations Visiting Mission to Palau 13/ had concluded that the present status of the islands was no longer in line with the degree of political, economic and social maturity the Territory had achieved, a conclusion fully endorsed by France and confirmed by the report of the Administering Authority for 1993.

55. During the past year, new and substantial progress had been made in the Territory in the fields of business, tourism and industry, particularly in the fishing sector. The educational and medical sectors had also seen considerable improvement, as evidenced by the opening of the National Hospital of Palau in Koror. Indeed, there were many indications of how outdated and obsolete the trusteeship status was for Palau.

56. It was essential for Palau to acquire a new status quickly, in conformity with the aspirations of the population, in order to continue its promising economic and social development based on stable institutional foundations. In this regard, the representative of France recalled two decisive events of the past two years. The elections of 4 November 1992 had made it possible for Palau to overcome the institutional difficulties that had obstructed its path to progress. The referendum on the Compact of Free Association held on 9 November 1993, which had been observed by a United Nations visiting mission, had clearly shown, through certified results, that a very large majority of Palauans were in favour of the adoption of the Compact.

57. France expressed the hope that this clearly expressed will of the people would finally be realized and that the people of Palau would soon be able to administer their own country according to the laws which they had freely chosen. The Administering Authority must, of course, continue to fulfil its obligations until the trusteeship ended.

58. The representative of the Russian Federation stated that the Council was dealing today with the situation in Palau, the last Territory where the United Nations Trusteeship System was still functioning. During the current session, members of the Council had been given the opportunity to consider in depth a comprehensive report by the Administering Authority, the United States, and to listen to statements made by the representatives of the United States and Palau and by petitioners. The Council had been given the opportunity to clarify specific matters and to receive exhaustive information on the political, economic and social circumstances in the Territory, as well as on the measures being taken by the Administering Authority in implementation of its responsibilities under the Trusteeship Agreement. This had given the Russian delegation a sufficiently clear picture of the real situation in Palau. The materials and documents presented during the session testified to real achievements in a number of economic, social and political areas over the past few years, and attested to how that process had been aided by the Administering Authority.

59. The results of the November 1993 referendum on the Compact of Free Association and the conclusions and recommendations of the Visiting Mission that had witnessed that historic event had shown that the people of Palau had already gone beyond a Trusteeship System and were ready to take charge of their own destiny. At the same time, Palau still faced a number of difficulties, particularly with regard to its industry and infrastructure, land issues, environment, marine resources, health-care system and social welfare, and local culture.

60. His Government was confident that many of the above problems could be resolved during the implementation of the general plan for the development of the Territory, bearing in mind the numerous instances where the close, constructive cooperation between Palau and the United States had helped to resolve those issues.

61. It was his delegation's view that the obligations of the United States under the Trusteeship Agreement and the Charter of the United Nations would remain in force until the right of the people of Palau to self-determination could be exercised fully. In that connection, he noted with satisfaction the firm intention of the United States Government to conclude the implementation of the key provisions of the Compact by October 1994. He underscored the importance of the assurances by the representatives of the United States and those contained in the report of the Administering Authority on the situation in Palau, that the United States had no plans to locate military bases on the Territory. That would help the general trend towards reducing the foreign military presence and would develop broad cooperation in the region.

62. The Russian Federation had always supported the aspirations of the peoples of the Trust Territories to achieve a political status in full conformity with their needs and national interests. His delegation expressed the hope that, as a result of the joint efforts by the United Nations, the people of Palau and all other parties concerned, Palau - like other former Trust Territories - would soon become a full-fledged member of the international community.

63. The representative of China referred to the plebiscite of November 1993 in Palau as a major event in the political life of the people of Palau, the outcome of which had marked an important step towards the termination of Palau's status as a Trust Territory and provided the basis for its achieving self-determination and eventually becoming an independent member of the international community.

64. The United Nations Visiting Mission sent by the Trusteeship Council to observe the plebiscite, composed of China, France, the Russian Federation, the United Kingdom, the Marshall Islands and Samoa, had met with Palauans from different walks of life. The Mission had inspected the preparations for the plebiscite, observed the voting and counting, and consequently concluded, in its report to the Council, that the plebiscite had been conducted in a free and fair manner.

65. The Chinese Government and people had always supported the people of the Trust Territories in their efforts to achieve self-determination and in their aspiration for national independence. China respected the choice of the people of Palau concerning their country's political future which had been made of their own free will and based on their national interests.

66. Pending the forthcoming termination of trusteeship in Palau, the Administering Authority should adopt practical measures to fulfil its obligations under the United Nations Charter and the Trusteeship Agreement and should create the necessary conditions for the independence and development of Palau.

67. China looked forward to Palau's becoming an independent member of the international community, to its setting out on the road to economic development and to its building up an independent country. China was willing to develop friendly relations and cooperation with an independent Palau based on the principles of mutual respect for sovereignty and territorial integrity, mutual non-aggression, non-interference in each other's internal affairs, equality and mutual benefit, and peaceful coexistence.

Closing statements by representatives of the Administering Authority 5/

68. At the 1705th meeting, on 25 May 1994, the representative of the United States reaffirmed that the Administering Authority had discharged its obligations under the Trusteeship Agreement for the Trust Territory of the Pacific Islands and had therefore properly prepared Palau to take its place among the nations of the world. Palau had demonstrated competence in the administrative, legislative and judicial functions of self-government. It had a sound economy, substantial resources and a significant potential for economic growth. The people of Palau had freely exercised their right to self-determination in the recent plebiscite that had approved the Compact of Free Association with the United States. His delegation appreciated the support for early implementation of the Compact of Free Association expressed by the other members of the Council during the general debate. As stated by both his Government and the Government of Palau, they planned to implement the Compact as soon as all the domestic legal requirements had been met. The primary remaining requirement was that the results of the plebiscite be free from any legal challenge in Palau.

69. At the previous meeting, the status of the two existing court cases in Palau and the United States and the likelihood of their early resolution had been discussed at some length. His delegation thought that the target date of 1 October 1994 for the entry into force of the compact was realistic. The

United States intended to seek final Security Council action consistent with that Council's authority over strategic areas under the United Nations Charter upon entry into force of the Compact. His Government believed that the next important step would be the adoption by the Trusteeship Council of a resolution stating that it was appropriate for the Trusteeship Agreement to be terminated upon the entry into force of the Compact of Free Association.

70. The Honourable Mr. Kuniwo Nakamura, President of the Republic of Palau and Special Representative of the Administering Authority, in a closing statement, reaffirmed that the people of Palau were fully committed to the protection of their unique environment. As a sovereign nation, Palau, backed by its leadership, would strengthen this commitment through its own laws and procedures. This was required by the Compact of Free Association. It was time for Palauans to assume responsibility for the protection of their own environment for their sake and that of future generations. It was also time for Palau to enter the international arena. In doing so, the Territory, like all other nations, depended ultimately on the good faith of those nations with which it had signed treaties or reached agreements and from which it had received assurances. The Compact, along with related agreements and assurances, required the United States to defend Palau, to limit military activities in Palau and to respect Palau's fragile environment and land. He reiterated to the Council that Palau was ready to become a sovereign State by the overwhelming and free decision of the people of Palau.

71. With the assistance of the United States under the Compact and of other nations, Palau would be able to meet future challenges.

72. The Special Representative stated that Palauans were fully aware that they were fortunate to have a growing economy, a good government, beautiful lands and seas and valuable resources. Most importantly, Palau enjoyed democracy, which was the foundation and the key ingredient for building a strong nation. Under the trusteeship and with the assistance of the United States, Palauans had nurtured their democracy over many years and through troubled waters. Now, that democracy and their people would serve as their nation's foundation and sustain them as they faced the unknown challenges of the future. Palauans had made their own decision and were ready to embark on the journey to independence with confidence. Assuming that legal requirements were met, he hoped that the Council would make 1 October 1994 the day on which they would finally start that journey.

D. Petitions

Oral hearings

73. At its 1704th meeting, on 24 May 1994, 1/ the Trusteeship Council heard two petitioners under item 5 of its agenda.

Written communications and petitions

74. At its 1704th meeting, 1/ the Trusteeship Council considered one communication. The communication, together with an indication of its content, is contained in document T/INF/42.

Decision

75. At its 1704th meeting, on 24 May 1994, 1/ the Trusteeship Council decided, without objection, to take note of the written communication summarized in document T/INF/42.

E. Offers by Member States of study and training facilities for inhabitants of Trust Territories

76. At its 1704th meeting, on 24 May 1994, 1/ the Trusteeship Council considered, under item 6 of its agenda, the report of the Secretary-General on offers by Member States of study and training facilities for inhabitants of Trust Territories covering the period from 8 May 1993 to 2 May 1994. 14/

Decision

77. At the same meeting, the Trusteeship Council decided, without objection, to take note of the report of the Secretary-General contained in document T/1981. 14/

F. Dissemination of information on the United Nations and the International Trusteeship System in Trust Territories

78. At its 1704th meeting, on 24 May 1994, 1/ the Trusteeship Council considered, under item 7 of its agenda, the report of the Secretary-General on the above item, covering the period from 1 May 1993 to 30 April 1994. 15/

79. The representative of the Department of Public Information of the Secretariat introduced the report of the Secretary-General and drew the attention of members to some of the highlights of the report.

80. The Department had disseminated as much information as possible on the work of the Trusteeship Council to the general public through press releases and other information materials, as well as through radio programmes and articles in United Nations publications. The annex to the report of the Secretary-General listed materials distributed to various individuals and organizations in Palau, including educational institutions, government organizations, individuals and radio stations.

81. With regard to the questionnaire distributed in November 1993 by the secretariat of the United Nations Visiting Mission to Observe the Plebiscite in Palau, the representative stated that some 20 responses received were analysed in annex II of the report of the Secretary-General. The purpose of the questionnaire was to measure the impact of the public awareness campaign of the Department of Public Information on the population. He assured the Council that the Department would continue to do its best to carry out its task on the basis of the results of that initial survey.

Decision

82. At its 1704th meeting, on 24 May 1994, 1/ the Trusteeship Council decided, without objection, to take note of the report of the Secretary-General contained in document T/1982. 15/

G. Attainment of self-government or independence by the Trust Territories

83. At its 1704th meeting, on 24 May 1994, 1/ the Trusteeship Council decided to take a decision on item 8 of its agenda following the adoption of its conclusions and recommendations.

84. At its 1705th meeting, on 25 May 1994, 5/ the President drew attention to the draft resolution on the item contained in document T/L.1291, which was introduced by the representative of the United States at that meeting.

Decisions

85. At its 1705th meeting, on 25 May 1994, 5/ the Trusteeship Council decided, without objection, to draw the attention of the Security Council to the conclusions and recommendations adopted by the Trusteeship Council at its sixty-first session concerning the attainment, in accordance with the relevant provisions of the Charter, and in particular, Article 83, of self-government or independence by the Trust Territory.

86. At the same meeting, the Trusteeship Council decided, without objection, to waive rule 57 of its rules of procedure, which specifies that copies of reports and draft resolutions should be circulated to the members 24 hours in advance of the meeting at which they are to be considered. Thereafter, the Council considered the draft resolution contained in document T/L.1291.

87. At the same meeting, the Trusteeship Council adopted, without a vote, draft resolution T/L.1291 (T/RES/2199 (LXI)).

Letter dated 17 October 1994 from the Permanent Representative of the United States of America to the United Nations addressed to the Secretary-General

88. At its 1706th meeting, on 1 November, the President drew attention to a letter from the Permanent Representative of the United States to the United Nations addressed to the Secretary-General contained in documents T/1985 and S/1994/1200, informing the Secretary-General that, as a consequence of consultations held between the United States Government and the Government of the Republic of Palau, the Compact of Free Association with the Republic of Palau had come fully into force on 1 October 1994.

H. Amendment of the rules of procedure of the Trusteeship Council

89. At its 1705th meeting, on 25 May 1994, 5/ the Trusteeship Council considered item 10 of its agenda. At the same meeting, the President of the Trusteeship Council drew attention to the draft resolution contained in document T/L.1292, which was then introduced by the representative of France.

Decisions

90. At its 1705th meeting, on 25 May 1994, 5/ the Trusteeship Council decided, without objection, to waive rule 57 of its rules of procedure, which specifies that copies of reports and draft resolutions should be circulated to the members 24 hours in advance of the meeting at which they are to be considered.

Thereafter, the Council considered the draft resolution contained in document T/L.1292.

91. At the same meeting, the Trusteeship Council adopted, without a vote, draft resolution T/L.1292 (T/RES/2200 (LXI)).

I. Report of the Drafting Committee

92. At its 1704th meeting, on 24 May 1994, 1/ the Trusteeship Council decided, without objection, to appoint a Drafting Committee composed of the representatives of China, France, the Russian Federation and the United Kingdom to prepare draft conclusions and recommendations for inclusion in the Council's report to the Security Council, based on the discussions that had taken place in the Trusteeship Council at its sixty-first session.

93. The Trusteeship Council considered the report of the Drafting Committee at its 1705th meeting, on 25 May 1994. 5/ At that meeting, the representative of the United Kingdom, on behalf of the Drafting Committee, introduced the report contained in document T/L.1293.

Decisions

94. At its 1705th meeting, on 25 May 1994, 5/ the Trusteeship Council decided, without objection, to waive rule 57 of its rules of procedure, which specifies that copies of reports and draft resolutions should be circulated to the members 24 hours in advance of the meeting at which they are to be considered. Thereafter, the Council considered the report of the Drafting Committee contained in document T/L.1293.

95. At the same meeting, the Trusteeship Council adopted, without a vote, the draft conclusions and recommendations contained in the annex to the report of the Drafting Committee. The Council further decided that the conclusions and recommendations would constitute part II of its report on its sixty-first session to the Security Council.

J. Adoption of the report of the Trusteeship Council to the Security Council

96. At its 1706th meeting, on 1 November 1994, 7/ the Trusteeship Council considered the report of its sixty-first session to the Security Council.

97. At the same meeting, the Trusteeship Council adopted, without a vote, the present report as a whole.

PART II. CONCLUSIONS AND RECOMMENDATIONS

98. At its 1705th meeting, on 25 May 1994, 5/ the Trusteeship Council adopted, without a vote, the following draft conclusions and recommendations (T/L.1293) (see also part I, sect. I):

"A. Political advancement

"1. The Trusteeship Council recalls the adoption on 22 December 1990, by the Security Council, as proposed by all members of the Trusteeship Council, of resolution 683 (1990), in which the Security Council expressed its hope that the people of Palau would be able in due course to complete the process of freely exercising their right to self-determination.

"2. The Trusteeship Council welcomes the holding of a plebiscite in Palau on 9 November 1993 on the Compact of Free Association 11/ with the United States of America. The Council also welcomes the result of the plebiscite and congratulates the people of Palau. The Trusteeship Council expresses the hope that, in the near future, the Administering Authority will take up the matter of the termination of the Trusteeship Agreement 12/ with the Security Council, in accordance with Article 83 of the Charter of the United Nations.

"3. The Trusteeship Council expresses its deep appreciation to the Visiting Mission to Observe the Plebiscite in Palau, Trust Territory of the Pacific Islands, and in particular to the Chairman, Mr. Alain Pallu de Beaupuy. The Council welcomes the Mission's report, 16/ as stated also in its resolution 2198 (LX) of 18 January 1994.

"B. Economic, social and educational advancement

"4. The Trusteeship Council notes that the peoples of the Trust Territory, in the exercise of their right to self-government as set out in Article 76 b of the Charter, have elected to assume full responsibility for administration in the economic, social and educational fields.

"5. The Trusteeship Council notes with satisfaction that further progress has been made in the economic, social and educational fields. In particular, the Council welcomes the draft five-year plan, completed in November 1992 by the Ministry of Health in collaboration with the World Health Organization, and the opening of the Palau National Hospital. The Council expresses the hope that the goals and objectives will be realized within the time-scale of the plan. The Council endorses the five priorities of the Ministry of Health for 1994.

"6. The Trusteeship Council takes note of the progress made in activities related to fisheries resources development and the emphasis placed on the need to protect the environment, in particular, to safeguard against overexploitation of marine resources. The Council looks forward to the early completion of the Palau National Master Development Plan financed jointly by the Administering Authority and the United Nations Development Programme. The Plan will greatly help the advancement of the goal of enhanced economic self-sufficiency.

"C. General

"7. The Trusteeship Council notes with satisfaction the assurances given by the Administering Authority that it will continue to fulfil its responsibilities under the Charter of the United Nations and under the Trusteeship Agreement, until the implementation of the Compact of Free Association and the termination of the Trusteeship Agreement.

"8. The Trusteeship Council takes note of the statement by the Administering Authority that the United States of America has no plans to establish military bases in Palau."

Notes

1/ See T/PV.1704.

2/ T/1983.

3/ T/1979.

4/ T/1979/Add.1.

5/ See T/PV.1705.

6/ See T/L.1293.

7/ See T/PV.1706.

8/ See T/PV.1704 and 1706.

9/ T/1984.

10/ 1993 Trust Territory of the Pacific Islands, October 1, 1992 to September 30, 1993, forty-sixth annual report to the United Nations on the administration of the Trust Territory of the Pacific Islands. Transmitted by the United States of America to the United Nations pursuant to Article 88 of the Charter of the United Nations (Department of State publication No. 10149). Copies were transmitted to members of the Trusteeship Council by document T/1980 and to members of the Security Council by document S/1994/574.

11/ The Compact of Free Association between Palau and the United States is described in the report of the United Nations Visiting Mission to Observe the Plebiscite in Palau, Trust Territory of the Pacific Islands, February 1983 (Official Records of the Trusteeship Council, Fiftieth Session, Supplement No. 3 (T/1851)). Amendments to the Compact, agreed to in January 1986, are contained in the report of the United Nations Visiting Mission to Observe the Plebiscite in Palau, Trust Territory of the Pacific Islands, February 1986 (ibid., Fifty-third Session, Supplement No. 2 (T/1885)).

12/ Trusteeship Agreement for the Trust Territory of the Pacific Islands (United Nations publication, Sales No. 1957.VI.A.1).

13/ For the report of the United Nations Visiting Mission to Palau, Trust Territory of the Pacific Islands, 1992, see Official Records of the Trusteeship Council, Fifty-ninth Session, Supplement No. 1 (T/1964).

14/ T/1981. To be incorporated in Official Records of the Trusteeship Council, Sixty-first Session, Sessional Fascicle, annexes.

15/ T/1982. To be incorporated in Official Records of the Trusteeship Council, Sixty-first Session, Sessional Fascicle, annexes.

16/ For the report of the United Nations Visiting Mission to Observe the Plebiscite in Palau, Trust Territory of the Pacific Islands, November 1993, see Official Records of the Trusteeship Council, Sixtieth Session, Supplement No. 1 (T/1978).

ANNEX I

A. Provisional agenda of the sixty-first session of the Trusteeship Council (T/1979)

1. Adoption of the agenda.

2. Report of the Secretary-General on credentials.

3. Election of the President and the Vice-President.

4. Examination of the annual report of the Administering Authority for the year ended 30 September 1993: Trust Territory of the Pacific Islands.

5. Examination of petitions (see T/INF/42).

6. Offers by Member States of study and training facilities for inhabitants of Trust Territories: report of the Secretary-General (General Assembly resolutions 557 (VI) and 753 (VIII)).

7. Dissemination of information on the United Nations and the International Trusteeship System in Trust Territories: report of the Secretary-General (Trusteeship Council resolution 36 (III) and General Assembly resolution 754 (VIII)).

8. Cooperation with the Committee on the Elimination of Racial Discrimination (General Assembly resolutions 2106 B (XX) and 48/90.

9. Third Decade to Combat Racism and Racial Discrimination (General Assembly resolutions 3057 (XXVIII) and 48/91).

10. Attainment of self-government or independence by the Trust Territories (Trusteeship Council resolution 1369 (XVII) and General Assembly resolution 1413 (XIV)) and the situation in Trust Territories with regard to the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples (General Assembly resolutions 1514 (XV) and 48/52).

11. Cooperation with the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples (General Assembly resolution 1654 (XVI)).

12. Adoption of the report of the Trusteeship Council to the Security Council (Security Council resolution 70 (1949)).

B. Addendum to the provisional agenda of the sixty-first session of the Trusteeship Council (T/1979/Add.1)

13. Amendment of the rules of procedure of the Trusteeship Council.

ANNEX II

Agenda of the sixty-first session, adopted by the Trusteeship Council at its 1704th meeting, on 24 May 1994 (T/1979/Rev.1)

1. Adoption of the agenda.

2. Report of the Secretary-General on credentials.

3. Election of the President and the Vice-President.

4. Examination of the annual report of the Administering Authority for the year ended 30 September 1993: Trust Territory of the Pacific Islands.

5. Examination of petitions. a/

6. Offers by Member States of study and training facilities for inhabitants of Trust Territories: report of the Secretary-General (General Assembly resolutions 557 (VI) and 753 (VIII)).

7. Dissemination of information on the United Nations and the International Trusteeship System in Trust Territories: report of the Secretary-General (Trusteeship Council resolution 36 (III) and General Assembly resolution 754 (VIII)).

8. Attainment of self-government or independence by the Trust Territories (Trusteeship Council resolution 1369 (XVII) and General Assembly resolution 1413 (XIV)).

9. Adoption of the report of the Trusteeship Council to the Security Council (Security Council resolution 70 (1949)).

10. Amendment of the rules of procedure of the Trusteeship Council.

Notes

a/ See T/INF/42. To be incorporated in Official Records of the Trusteeship Council, Sixty-first Session, Sessional Fascicle.

ANNEX III

Map of Palau, Trust Territory of the Pacific Islands